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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SKYWEST PILOTS ALPA ORGANIZING  
COMMITTEE, *et al.*,

Plaintiffs,

vs.

SKYWEST AIRLINES, INC.,

Defendant.

CASE No. C-07-2688 CRB

**PLAINTIFFS' MOTION TO  
REQUIRE SKYWEST TO RELEASE  
PLAINTIFF PHIL ALFORD**

In violation of this Court's order at the May 24, 2007 hearing, Defendant has refused to release Captain Phil Alford, a plaintiff and witness at the June 7, 2007 preliminary injunction hearing in this matter, so that he can prepare for the hearing on June 6, 2007. Plaintiffs seek relief from this Court only as a matter of last resort and request that Captain Alford be released from all of his flight duties on June 6, 2007, the day before the hearing.

At the May 24, 2007 hearing on Defendant's motion to dissolve the TRO, the Court requested that Defendant "make all necessary accommodations to release these pilots so that they can prepare for the hearing." Decl. of Linda Lye ISO Motion to Release Plaintiff Phil Alford, Exh.

1 Defendant's counsel replied, "I will make it happen." *Id.* The Court indicated that Plaintiffs  
2 could request the release of up to *five* pilots. *Id.*

3 On May 25, 2007, Plaintiffs identified the witnesses it intended to call at the preliminary  
4 injunction hearing. Lye Decl. at ¶3 & Exh. 2. On May 31, 2007, this Court re-set the preliminary  
5 injunction hearing for June 7, 2007. *Id.*, Exh. 3.

6 The next day, June 1, 2007, Plaintiffs identified three pilots who were scheduled for duty on  
7 June 6 and/or 7, 2007 and requested that they be released. *Id.* ¶ 5 & Exh. 4. This is two less than  
8 the five pilots to which it was authorized to have released. One of those three pilots was Captain  
9 Phil Alford, a plaintiff in this action, who is currently scheduled to fly on June 6, 2007. Captain  
10 Alford is not scheduled to fly on June 7, 2007, and so Plaintiffs' request was that SkyWest release  
11 Captain Alford for only a single day in connection with this case. SkyWest has not previously  
12 released Captain Alford from any duty in connection with this case. *Id.* ¶6.

13 Defendant responded that it would not release Captain Alford from his flight duties until  
14 3:49 pm in Salt Lake City, UT on June 6, 2007. *Id.*, ¶7 & Exh. 5. On June 3 and 4, 2007, Plaintiffs  
15 requested that Defendant release Captain Alford from all of his flight duties on June 6, 2007  
16 because the earliest flight that Captain Alford could take after 3:49 pm from Salt Lake would have  
17 him arrive at San Francisco International Airport at 7:28 pm, well after the close of business, the  
18 evening before the hearing. *Id.*, ¶¶ 9, 11 & Exhs. 6 & 8. On June 4, 2007, Defendant refused to  
19 release Captain Alford from his June 6, 2007 duties. *Id.* at ¶¶10-12 & Exh. 7.

20 Defendant contends that it does not have to release Captain Alford earlier on June 6, 2007  
21 because he was in San Francisco on his own time last week. *Id.*, Exh. 7. Plaintiffs need to meet  
22 with Captain Alford on June 6, 2007 to prepare for the hearing the next day. Both parties will be  
23 presenting numerous witnesses at the one-day preliminary injunction hearing. Plaintiffs' counsel  
24 need to meet with Captain Alford the day before the hearing for witness preparation to ensure the  
25 efficient preparation of testimony at the hearing.

26 If Captain Alford is not released until late in the afternoon the day before the hearing, as  
27 SkyWest currently proposes, he will not be able to arrive in downtown San Francisco until late the  
28 evening before the preliminary injunction hearing. Plaintiffs therefore respectfully request that the

1 Court order SkyWest to release Captain Alford from all duties on June 6, 2007 for witness  
2 preparation, as the Court's May 24, 2007 order requires.

3 Dated: June 4, 2007

Respectfully submitted

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